
PRELIMINARY DRAFT
No. 3438

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2007 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 22-11-18.

Synopsis: Smoke detectors in nursing homes. Requires hard wired smoke detectors (detectors) to be installed in certain health facilities. Makes the failure to install the detectors a Class A infraction and a Class D felony if bodily injury or death occurs as a result of a fire in the health facility.

Effective: July 1, 2007.



A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 22-11-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:

"Dwelling" means a residence with at least one (1) dwelling unit as set forth in IC 22-12-1-4(a)(1)(B) and IC 22-12-1-5(a)(1).

"Health facility" means a health facility (as defined in IC 16-18-2-167) that is licensed under IC 16-28 as a comprehensive care facility.

"Hotels and motels" means buildings or structures kept, maintained, used, advertised, or held out to the public as inns or places where sleeping accommodations are furnished for hire for transient guests.

"Owner" means a person having control or custody of any building covered by this chapter.

"Person" means an individual, corporation, partnership, association, or other legal entity.

"Smoke detector" means a device which senses visible or invisible particles of combustion and conforms to the minimum standards for type, components, and maintenance prescribed by the National Fire Protection Association.

"Seasonally occupied dwellings" means hotels and motels open to the public for occupancy by guests only during any period of time between April 15 and October 15 each year.

"Single level dwellings" means all single level (no more than one (1) level above ground) hotels and motels that have no interior corridors, and whose individual rooms have exterior exits.

SECTION 2. IC 22-11-18-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) **Except as otherwise provided in this chapter**, this chapter applies to all hotels, motels, **health facilities**, and dwellings.

(b) **This subsection does not apply to a health facility.** A totally sprinkled building (conforming to Uniform Building Code standards at



the time of construction) is exempt from the requirements of this chapter.

SECTION 3. IC 22-11-18-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3.3. (a) This section applies:**

(1) only to a health facility; and

(2) after June 30, 2008.

(b) A health facility must have a smoke detector in the sleeping room of each resident.

(c) The smoke detector must be hard wired into the electrical system of the health facility.

(d) Except as provided in subsection (e), the smoke detector must have dedicated battery backup. If a dedicated battery backup smoke detector is used, the smoke detector must contain a tamper resistant cover to protect the batteries. The division of fire and building safety shall adopt rules detailing the specifications for the tamper resistant cover.

(e) A health facility that has an emergency electric generator that provides sufficient energy to power the smoke detector during a power outage is exempt from the requirements of subsection (d).

SECTION 4. IC 22-11-18-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. (a) An owner of a hotel or motel who violates this chapter commits a Class A infraction, except as provided by subsection (b).**

(b) An owner of a hotel or motel commits a Class D felony if:

(1) the owner knowingly or intentionally violates section 3 of this chapter; and

(2) bodily injury (as defined in ~~IC 35-41-1~~ IC 35-41-1-4) or loss of life occurs as a result of a fire in the building.

(c) A person who violates section 3.5 of this chapter commits a Class D infraction.

(d) Except as provided in subsection (e), an owner of a health facility who violates section 3.3 of this chapter commits a Class A infraction.

(e) An owner of a health facility commits a Class D felony if:

(1) the owner knowingly or intentionally violates section 3.3 of this chapter; and

(2) bodily injury (as defined in IC 35-41-1-4) or death occurs as a result of a fire in the health facility.

SECTION 5. IC 22-11-18-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6. (a) The state fire marshal's office shall, as part of its normal inspection process, conduct inspections of hotels, ~~and~~ motels, and health facilities to determine if the smoke detectors are installed and functioning in compliance with this chapter.**

(b) Except for common areas shared by at least three (3) dwellings,



1 a dwelling may not be inspected solely to determine compliance with
2 section 3.5 of this chapter unless the owner or occupant of the dwelling
3 gives permission.

4 (c) Any evidence of a violation of this chapter shall be turned over
5 to the prosecuting attorney of the county where the violation occurred.

6 SECTION 6. [EFFECTIVE JULY 1, 2007] (a) **Notwithstanding**
7 **IC 22-11-18-3.3(d), as added by this act, the division of fire and**
8 **building safety shall carry out the duties imposed upon the division**
9 **of fire and building safety under IC 22-11-18-3.3(d), as added by**
10 **this act, under interim written guidelines approved by the state fire**
11 **marshal.**

12 (b) **This SECTION expires on the earlier of the following:**

13 (1) **The date rules are adopted under IC 22-11-18-3.3(d), as**
14 **added by this act.**

15 (2) **January 1, 2010.**

